

Docket No. 59474.21800
Serial No. 10/763,033



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
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Donald F. Wilson, Jr. :
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Serial No.: 10/763,033 : Group Art Unit: 3731
:
Filed: January 22, 2004 : Examiner: Melissa K. Ryckman
:
For: LIGATING CLIP WITH INTEGRAL CUTTING GUIDE

TERMINAL DISCLAIMER PURSUANT TO 37 CFR 1.321(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madame:

The undersigned attorney, on behalf of the petitioner, PILLING WECK INCORPORATED represents that the petitioner, PILLING WECK INCORPORATED is the exclusive owner of the entire right, title and interest in and to:

- (1) U.S. Application Serial No. 10/763,033, entitled LIGATING CLIP WITH INTEGRAL CUTTING GUIDE, filed January 22, 2004 (hereinafter referred to as the Application); and
- (2) U.S. Application Serial No. 10/251,182, entitled LIGATING CLIP WITH INTEGRAL PENETRATING HOOK, filed on September 20, 2002, and issued as U.S. Patent No. 6,863,675 B2 on March 8, 2005.

PILLING WECK INCORPORATED hereby disclaims the terminal part of the statutory term of any patent granted on said U.S. Application Serial No. 10/763,033 which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,863,675 B2.

PILLING WECK INCORPORATED further agrees that any patent issuing on the Application shall be enforceable only for and during such period that the legal title to said patent

shall be the same as the legal title to U.S. Patent No. 6,863,675, this agreement to run with any patent granted on said Application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, PILLING WECK INCORPORATED does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned Attorney of Record further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

BAKER & HOSTETLER LLP



Bukola T. Aina
Registration No. 56,153

Date: 6/1/07
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 861-1500
Facsimile: (202) 861-1783